

PTO/SB/RSA (04-03)

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1

of 11

**Complete if Known**

Application Number	10/738,423
Filing Date	December 16, 2003
First Named Inventor	KING, et al.
Art Unit	1633
Examiner Name	Qian Janice Li
Attorney Docket Number	873-Z-US

U. S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (If known)				
	1	US-	6,962,696	11-08-2005	Bermudes, et al.	
	2	US-	6,955,953	10-18-2005	Yamazaki, et al.	
	3	US-	6,605,286	08-12-2003	Steidler, et al.	
	4	US-	6,150,170	11-21-2000	Powell, et al.	
	5	US-	2004-0229338 A1	11-18-2004	King, et al.	
	6	US-	2005-0249706 A1	11-10-2005	Bermudes, et al.	
	7	US-	11/627,743	01-26-2007	King, et al.	
	8	US-	08/486,422	06-07-1995	Pawelek, et al.	
	9	US-	10/723,570	11-24-2006	Pawelek, et al.	
	10	US-	11/117,085	04-28-2005	Bermudes, et al.	
	11	US-	11/064,533	02-23-2005	Bermudes, et al.	
	12	US-	11/082,544	03-17-2005	Bermudes, et al.	
	13	US-	09/724,390	11-28-2000	Bermudes, et al.	
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FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No.	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	1*
		Country Code <sup>3</sup>	Number* + Kind Code <sup>5</sup> (If known)				
	14	EP	0833660	12-20-2006	Yale University, et al.		
	15	EP	1012232	06-28-2000	Vion Pharmaceuticals, Inc., et al.		
	16	WO/1995/009655		04-13-1995	Prothrombin of the United States of America, et al.		
	17	WO/2001/025397		12-04-2001	Vion Pharmaceuticals, Inc., et al.		
	18	WO/1992/015689		09-17-1992	Charles, et al.		
	19	AU	719446	08-24-2000	Yale University, et al.		

Examiner Signature	/Q. Janice Li/ (03/10/2009)	Date Considered	
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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet	2	of	11
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### Complete if Known

Application Number	10/738,423
Filing Date	December 18, 2003
First Named Inventor	KING, et al.
Art Unit	1633
Examiner Name	Qian Janice Li
Attorney Docket Number	873-Z-US

## U. S. PATENT DOCUMENTS

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FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	1
		Country Code* Number *Kind Code* (if known)	MM-DD-YYYY			
	20	AU 783714	03-23-2006	VION Pharmaceuticals, Inc., et al.		
	21	AU 749695	07-04-2002	VION Pharmaceuticals, Inc. et al.		
	22	CN ZL96196140.6	02-18-2004	Yale University, et al.		
	23	CN ZL98811030.X	04-26-2006	VION Pharmaceuticals, Inc. et al.		
	24	HK 1017253	07-30-2004	Yale University, et al.		
	25	HK 1033956	11-17-2006	VION Pharmaceuticals,		

Examiner Signature	/Q. Janice Li/ (03/10/2009)
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Date  
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**USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.** \* Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). \*\* For Japanese patent documents, the indication of the year of the grant of the Emperor must precede the serial number of the patent document. Kind of document by appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. \* Applicant is to place a check mark here if English language Translation is attached.

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Sheet 3

of 11

### Complete if Known

Application Number	10/738,423
Filing Date	December 16, 2003
First Named Inventor	KING, et al.
Art Unit	1633
Examiner Name	Qian Janice L.I
Attorney Docket Number	873-7-115

## U. S. PATENT DOCUMENTS

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## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant; Passages Or Relevant Figures Appear	T <sup>o</sup>
		Country Code* Number* Kind Code* (if known)	MM-DD-YYYY			
	26	JP 3482213	10-12-2003	Yale University, et al.		
	27	KR 0435932	06-03-2004	Yale University, et al.		
	28	NZ 312341	09-08-1999	Yale University, et al.		
	29	NZ 503376	10-25-2002	VION Pharmaceuticals, Inc., et al.		
	30	NZ 518354	02-25-2002	VION Pharmaceuticals, Inc., et al.		
	31	SG 51176	12-07-1998	Yale University, et al.		

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/Q. Janice Li/ (03/10/2009)

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 5

of 11

**Complete if Known**

Application Number	10/738,423
Filing Date	December 16, 2003
First Named Inventor	KING, et al.
Art Unit	1633
Examiner Name	Qian Janice Li
Attorney Docket Number	873-Z-US

## U. S. PATENT DOCUMENTS

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## FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No.	Foreign Patent Document Country Code* Number* Kind Code* (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear
	38	CA 2,224,075	12-08-1997	Yale University, et al.	
	39	CA 2,302,866	03-03-2000	VION Pharmaceuticals, Inc., et al.	
	40	CA 2,386,465	04-02-2002	VION Pharmaceuticals, Inc., et al.	
	41	CN 00816714.1	08-24-2000	VION Pharmaceuticals, Inc., et al.	
	42	HK 03108220.2	11-12-2003	VION Pharmaceuticals, Inc., et al.	
	43	IL 134936	07-03-2000	VION Pharmaceuticals,	

Examiner Signature	/Q. Janice LV (03/10/2009)
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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Sheet 6 of 11

### Complete if Known

Application Number	10/738,423
Filing Date	December 16, 2003
First Named Inventor	KING, et al.
Art Unit	1633
Examiner Name	Qian Janice Li
Attorney Docket Number	873-Z-US

## U. S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear
		Country Code* Number* Kind Code* (if known)			
	44	IL 148933	03-27-2002	VION Pharmaceuticals, Inc., et al.	
	45	JP 2000-510842	03-10-2000	VION Pharmaceuticals, Inc., et al.	
	46	JP 2001-528552	04-04-2002	VION Pharmaceuticals, Inc., et al.	
	47	KR 7002535/2000	03-10-2000	VION Pharmaceuticals, Inc., et al.	
	48	KR 700437/1/2002	04-04-2002	VION Pharmaceuticals, Inc., et al.	
	49	MX 979439	12-03-1997	Yale University, et al.	

Examiner Signature	/Q. Janice Li/ (03/10/2009)
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Date  
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Indicate type of file form with suit contraindications to agency. <sup>2</sup> <sup>3</sup> <sup>4</sup> <sup>5</sup> <sup>6</sup> <sup>7</sup> <sup>8</sup> <sup>9</sup> <sup>10</sup> <sup>11</sup> <sup>12</sup> <sup>13</sup> <sup>14</sup> <sup>15</sup> <sup>16</sup> <sup>17</sup> <sup>18</sup> <sup>19</sup> <sup>20</sup> <sup>21</sup> <sup>22</sup> <sup>23</sup> <sup>24</sup> <sup>25</sup> <sup>26</sup> <sup>27</sup> <sup>28</sup> <sup>29</sup> <sup>30</sup> <sup>31</sup> <sup>32</sup> <sup>33</sup> <sup>34</sup> <sup>35</sup> <sup>36</sup> <sup>37</sup> <sup>38</sup> <sup>39</sup> <sup>40</sup> <sup>41</sup> <sup>42</sup> <sup>43</sup> <sup>44</sup> <sup>45</sup> <sup>46</sup> <sup>47</sup> <sup>48</sup> <sup>49</sup> <sup>50</sup> <sup>51</sup> <sup>52</sup> <sup>53</sup> <sup>54</sup> <sup>55</sup> <sup>56</sup> <sup>57</sup> <sup>58</sup> <sup>59</sup> <sup>60</sup> <sup>61</sup> <sup>62</sup> <sup>63</sup> <sup>64</sup> <sup>65</sup> <sup>66</sup> <sup>67</sup> <sup>68</sup> 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<sup>401</sup> <sup>402</sup> <sup>403</sup> <sup>404</sup> <sup>405</sup> <sup>406</sup> <sup>407</sup> <sup>408</sup> <sup>409</sup> <sup>410</sup> <sup>411</sup> <sup>412</sup> <sup>413</sup> <sup>414</sup> <sup>415</sup> <sup>416</sup> <sup>417</sup> <sup>418</sup> <sup>419</sup> <sup>420</sup> <sup>421</sup> <sup>422</sup> <sup>423</sup> <sup>424</sup> <sup>425</sup> <sup>426</sup> <sup>427</sup> <sup>428</sup> <sup>429</sup> <sup>430</sup> <sup>431</sup> <sup>432</sup> <sup>433</sup> <sup>434</sup> <sup>435</sup> <sup>436</sup> <sup>437</sup> <sup>438</sup> <sup>439</sup> <sup>440</sup> <sup>441</sup> <sup>442</sup> <sup>443</sup> <sup>444</sup> <sup>445</sup> <sup>446</sup> <sup>447</sup> <sup>448</sup> <sup>449</sup> <sup>450</sup> <sup>451</sup> <sup>452</sup> <sup>453</sup> <sup>454</sup> <sup>455</sup> <sup>456</sup> <sup>457</sup> <sup>458</sup> <sup>459</sup> <sup>460</sup> <sup>461</sup> <sup>462</sup>

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet	7	of	11
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### Complete if Known

Application Number	10/738,423
Filing Date	December 16, 2003
First Named Inventor	KING, et al.
Art Unit	1633
Examiner Name	Qian Janice Li
Attorney Docket Number	873-7-115

## U. S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	*
		Country Code* Number** Kind Code* if known	MM-DD-YYYY			
	50	MX 2000-002355	03-08-2000	VION Pharmaceuticals, Inc., et al		
	51	MX 2002-003384	04-03-2002	VION Pharmaceuticals, Inc., et al		
	52	SG 2002-01817-4	04-01-2002	VION Pharmaceuticals, Inc., et al		
	83	JP 62-145026	06-29-1987	Advance KK		
	84	JP 06-298657	10-25-1994	Nippon Shoji KK		
	85	JP 01-180830	07-18-1989	Kayaku KK		

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### INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 8

of 11

**Complete if Known**

Application Number	10/738,423
Filing Date	December 16, 2003
First Named Inventor	KING, et al.
Art Unit	1633
Examiner Name	Qian Janice Li
Attorney Docket Number	873-7-115

## U. S. PATENT DOCUMENTS

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## FOREIGN PATENT DOCUMENTS

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Date \_\_\_\_\_  
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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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**Complete if Known**

Application Number 10/738,423

Filing Date December 16, 2003

First Named Inventor KING, et al.

Art Unit 1633

Examiner Name Qian Janice Li

Attorney Docket Number 873-Z-US

Sheet 9 of 11

**OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	53	Brazilian Examiner's Report for Yale University, Brazilian App'l No. PI-9609016-2, filed June 5, 1996, Dated July 18, 2006	
	54	Mexican Search Report for Yale University, Mexican App'l No. 979439, Filed December 3, 1997, Dated June 29, 2007	
	55	Israeli Office Action for Yale University, et al., Israeli App'l No. 134936, Filed July 3, 2000, Dated April 11, 2007	
	56	U.S. Office Action for Bermudes, et al., U.S. Serial No. 11/064,533, Filed February 23, 2005, Dated March 12, 2007	
	57	Bell, et al., 1990, "Molecular genetic analysis of an FNR-dependent anaerobically inducible Escherichia coli promoter," Molec. Microbiol. 4:1753-63	
	58	Clarke, S., 2001, "Diarrhoeagenic Escherichia coli - an emerging problem?" Diagnostic Microbiol. and Infect. Disease 41:93-98	
	59	Cunningham, C. and Nemunaitis, J., 2001, "Recombinant DNA advisory committee meeting, June 14-15, 2001: Protocols reviewed," Human Gene Therapy 12:1594-1596	
	60	Deonarain, et al., 1995, "Genetic delivery of enzymes for cancer therapy," Gene Therapy, Vol. 2, No. 4:235-244	
	61	Dinarello, et al., 1991, "Blocking IL-1: Interleukin-1 receptor antagonist in vivo and in vitro," Immunology Today 12(11):404-410	
	62	Fairweather, et al., 1990, "Use of live attenuated bacteria to stimulate immunity," Res. Microbiol. 141:769-773	

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		Application Number	10738.423
		Filing Date	December 16, 2003
		First Named Inventor	KING, et al.
		Art Unit	1633
		Examiner Name	Qian Janice Li
Sheet 10 of 11	Attorney Docket Number	873-Z-US	

OTHER PRIOR ART—NON PATENT LITERATURE DOCUMENTS			
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	63	Fairweather, et al., 1990, "Oral vaccination of mice against tetanus by use of a live attenuated Salmonella carrier," Infect Immunity, 58:1323-26	
	64	Galanos, et al., 1969, "A new method for the extraction of R. lipopolysaccharides," European J. Biochem. 9:245-249	
	65	Huber, et al., 1994, "Metabolism of 5-fluorocytosine to 5-fluorouracil in human colorectal tumor cells transfected with the cytosine deaminase gene: Significant antitumor effects when only a small percentage of tumor cells express cytosine deaminase," Proc. Natl. Acad. Sci. USA 91:8302-8306	
	66	Jain, et al., 2001, "Use of bacteria as anticancer agents," Exp. Opin. Biol. Ther. 1(2):291-300	
	67	Jayeraman, et al., 1988, "The nitB promoter of Escherichia coli: Location of nucleotide sequences essential for regulation by oxygen, the FNR protein and nitrite," Molec. Microbiol. 2:527-530	
	68	Littler, et al., 1992, "Human cytomegalovirus UL97 open reading frame encodes a protein that phosphorylates the antiviral nucleoside analogue ganciclovir," Nature 358:160-162	
	69	Low, et al., 1996, "Disruption of the Salmonella msbB gene suppresses virulence and TNFalpha induction yet retains tumor-targeting in vivo," Proceedings of the American Association for Cancer Research Annual Meeting 39:60, XP001192904	
	70	Morrison, et al., 1994, "Current status of bacterial endotoxins," ASM News 60:479-484	
	71	Nemunaitis, et al., 2003, "Pilot trial of genetically modified, attenuated Salmonella expressing the E. coli cytosine deaminase gene in refractory cancer patients," Cancer Gene Ther. 10:737-44	
	72	Pawelek, et al., 1997, "Tumor-targeted Salmonella as a novel anti-Melanoma vector," Melanoma Research, 4th World Conference on Melanoma, Sydney, Australia, June 10-14, 1997, Vol. 7 (Suppl. 1)	

Examiner Signature	/Q. Janice Li/ (03/10/2009)	Date Considered	
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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Application Number	10/738,423
Filing Date	December 16, 2003
First Named Inventor	KING, et al.
Art Unit	1633
Examiner Name	Qian Janice Li
Attorney Docket Number	873-Z-US

Sheet 11 of 11

**OTHER PRIOR ART—NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	73	Yu, et al., 2004, "Visualization of tumors and metastases in live animals with bacteria and vaccinia virus encoding light-emitting proteins," Nat. Biotechnol. 2004, Mar;22(3):313-20	
	74	Sullivan, et al., 1992, "A protein kinase homologue controls phosphorylation of ganciclovir in human cytomegalovirus-infected cells," Nature 358:162-164	
	75	U.S. Office Action for Bermudes et al., U.S. Serial No. 11/064,533, (Atty. Dkt. #871-BAA-US) Filed February 23, 2005, dated October 3, 2006	
	76	U.S. Office Action for Bermudes et al., U.S. Serial No. 11/064,533, (Atty. Dkt. #871-BAA-US) Filed February 23, 2005, dated May 4, 2007	
	77	Notice of Allowance and Fee(s) Due for Bermudes et al., U.S. Serial No. 11/064,533, (Atty. Dkt. #871-BAA-US) Filed February 23, 2005, dated August 1, 2007	
	78	U.S. Office Action for Bermudes et al., U.S. Serial No. 11/117,085 (Atty. Dkt. #871-AZB-US) Filed April 28, 2005, dated July 5, 2007	
	79	Vion Pharmaceuticals, Inc., et al., European Application No. 98 94 6891, September 9, 1998, "Genetically Modified Tumor-Targeted Bacteria with Reduced Virulence"	
	80	European Communication for VION Pharmaceuticals, Inc., European App'l No. 98946891.3 (Atty. Dkt. #871-AB-PCT-EPO), Filed September 9, 1998, Dated April 10, 2007	
	81	European Communication for VION Pharmaceuticals, Inc., European App'l No. 00 957 764.4 (Atty. Dkt. #873-PCT-EPO), Filed May 3, 2002, Dated October 26, 2006	
	82	International Publication No. WO/1998/053854, March 12, 1998, The Research Foundation of State University of New York, et al., "Antigen Delivery System"	

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